

ESTTA Tracking number: **ESTTA448395**

Filing date: **12/27/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92054809
Party	Defendant Jeddy Ventures LLC dba SerialComm
Correspondence Address	JEDDY VENTURES LLC 1298 EVANS ROAD WALL TOWNSHIP, NJ 07719 UNITED STATES
Submission	Answer
Filer's Name	Panagiota Betty Tufariello
Filer's e-mail	betty@intellectulaw.com
Signature	/PBTUFARIELLO/
Date	12/27/2011
Attachments	ANSWER TO PETITION TO CANCEL.pdf (6 pages)(233877 bytes)

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

-----X
COMMFRONT COMMUNICATIONS PTE. LTD.
a/k/a COMMFRONT,

Cancellation No. 92054809

Plaintiff/PETITIONER,

-against-

JEDDY VENTURES LLC d/b/a SERIALCOMM,

Defendant/RESPONDENT.

-----X

**RESPONDENT JEDDY VENTURES LLC'S ANSWER TO
PETITIONER'S PETITION TO CANCEL**

Defendant/Respondent JEDDY VENTURES LLC d/b/a SERIALCOMM (hereinafter "Respondent"), by and through its attorneys INTELLECTULAW, LAW OFFICES OF P.B. TUFARIELLO, P.C., hereby answers and responds to Plaintiff/Petitioner COMMFRONT COMMUNICATIONS PTE. LTD. a/k/a COMMFRONT's (hereinafter "Petitioner") Petition to Cancel as follows:

Respondent admits it is the owner of U. S. Trademark Registration No. 3,924,759. However, Respondent lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in the first unnumbered paragraph of Petitioner's Petition to Cancel, and therefore DENIES same.

Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the second unnumbered paragraph of Petitioner's Petition to Cancel, and therefore DENIES same.

1. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of Petitioner's Petition to Cancel, and therefore DENIES same.
2. Respondent lacks knowledge or information sufficient to form a belief as to the truth of

the allegations set forth in Paragraph 2 of Petitioner's Petition to Cancel, and therefore DENIES same.

3. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 3 of Petitioner's Petition to Cancel, and therefore DENIES same.

Background of Dispute with Registrant

4. DENIED.
5. DENIED.
6. DENIED.
7. DENIED.
8. The allegations contained in Paragraph 8 set forth conclusions of law for which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent DENIES the same.

Likelihood of Confusion

9. Respondent admits it is the owner of U. S. Trademark Registration No. 3,924,759, issued on March 1, 2011, for the design comprising the words "SerialComm - Data Conversion Experts" used in connection with "Electronic and optical communications instruments and components, namely, serial data converters and repeaters, optical transmitters, optical receivers, optical data links, optical transceivers, digital transmitters; Ethernet and fiber optic conversion version products, namely, serial data converters, serial data repeaters, ethernet switches, ethernet data converters, fiber optic media converters" in International Class 9, with a first use date of May 15, 2009. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 9 of Petitioner's Petition to Cancel, and therefore DENIES same.
10. Respondent admits it is the owner of U. S. Trademark Registration No. 3,924,759, with a first use date of May 15, 2009. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 10 of

Petitioner's Petition to Cancel, and therefore DENIES same.

11. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 11 of Petitioner's Petition to Cancel, and therefore DENIES same
12. DENIED.
13. The allegations contained in Paragraph 13 set forth conclusions of law for which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent DENIES the same.
14. The allegations contained in Paragraph 14 set forth conclusions of law for which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent DENIES the same.
15. The allegations contained in Paragraph 15 set forth conclusions of law for which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent DENIES the same.

ANSWERING THE FIRST CLAIM FOR RELIEF
(Likelihood of Confusion With Registered Mark)

16. Respondent repeats, reaffirms, re-alleges and incorporates by reference its responses to the allegations in paragraphs 1-15, as if more fully set forth herein.
17. The allegations contained in Paragraph 17 set forth conclusions of law for which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent DENIES the same.
18. The allegations contained in Paragraph 18 set forth conclusions of law for which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent DENIES the same.
19. The allegations contained in Paragraph 19 set forth conclusions of law for which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent DENIES the same.

ANSWERING THE SECOND CLAIM FOR RELIEF
(Likelihood of Confusion With Previously Used Mark)

20. Respondent repeats, reaffirms, re-alleges and incorporates by reference its responses to the allegations in paragraphs 1-19, as if more fully set forth herein
21. The allegations contained in Paragraph 21 set forth conclusions of law for which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent DENIES the same
22. The allegations contained in Paragraph 22 set forth conclusions of law for which no responsive pleading is required. To the extent that a responsive pleading is required, Respondent DENIES the same

AFFIRMATIVE DEFENSES

Further answering Petitioner's Petition to Cancel, Respondent pleads the following affirmative defenses:

FIRST AFFIRMATIVE DEFENSE

Respondent's mark does not look the same, does not sound the same and does not convey the same commercial impression as Petitioner's mark.

SECOND AFFIRMATIVE DEFENSE

There is no likelihood of confusion between Respondent and Petitioner's marks.

THIRD AFFIRMATIVE DEFENSE

Petitioner's Petition to Cancel fails to state sufficient facts to entitle Petitioner to relief.

FOURTH AFFIRMATIVE DEFENSE

Respondent's mark in its entirety is sufficiently distinctive and different from Petitioner's

mark so as to avoid any confusion, deception or mistake as to the source or sponsorship or association as to Respondent's goods.

FIFTH AFFIRMATIVE DEFENSE

Petitioner's claims are barred by the Doctrine of Estoppel.

SIXTH AFFIRMATIVE DEFENSE

Petitioner's claims are barred by the Doctrine of Laches.

SEVENTH AFFIRMATIVE DEFENSE

Petitioner's claims are barred the Doctrine of Waiver.


WHEREFORE, Respondent respectfully requests that:

- A. Petitioner takes nothing by its Petition to Cancel;
- B. Petitioner's Petition to Cancel be dismissed with prejudice; and
- C. The Trademark Trial and Appeal Board grant such other and further relief as it deems just and proper.

Respectfully Submitted,

INTELLECTULAW
THE LAW OFFICES OF P.B. TUFARIELLO, P.C.

Dated: 12/27/2011


Panagiotis Betty Tufariello, Esq.
25 Little Harbor Road
Mt. Sinai, NY 11766
Tel.: (631) 476-8734
Fax: (631) 476-8737
Email: betty@intellectulaw.com

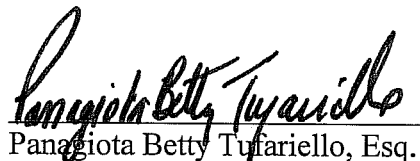
Attorneys for Respondent
JEDDY VENTURES LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing RESPONDENT'S ANSWER TO PETITIONER'S PETITION TO CANCEL, has been filed with the T.T.A.B. via E.S.T.T.A. and served upon the following attorneys for the Plaintiff/Petitioner via Certified Mail - Return Receipt Requested:

Mark J. Ingber, Esq.
THE INGBER LAW FIRM
181 Millburn Avenue, Suite 202
Millburn, NJ 07041

on Tuesday, December 27, 2011


Panagiota Betty Tufariello, Esq.